

1-1 By: Garcia S.B. No. 1587
 1-2 (In the Senate - Filed March 9, 2017; March 21, 2017, read
 1-3 first time and referred to Committee on Agriculture, Water & Rural
 1-4 Affairs; May 10, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 3;
 1-6 May 10, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12		X		
1-13	X			
1-14		X		
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1587 By: Rodríguez

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to lead in drinking water at public schools.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 341.040, Health and Safety Code, is
 1-22 amended to read as follows:
 1-23 Sec. 341.040. DEFINITIONS [~~DEFINITION~~]. In this
 1-24 subchapter:
 1-25 (1) "Commission" [~~,"commission"~~] means the Texas
 1-26 Commission on Environmental Quality.
 1-27 (2) "Drinking water outlet" means any water fountain,
 1-28 faucet, or tap regularly used for drinking or food preparation,
 1-29 including ice-making and hot drink machines.
 1-30 (3) "Elevated lead level" means a lead concentration
 1-31 in drinking water that exceeds the actionable standard set by the
 1-32 guidelines of the Environmental Protection Agency.
 1-33 (4) "Executive director" means the executive director
 1-34 of the commission.
 1-35 (5) "Lead service line" means a pipe and its fittings,
 1-36 which are not lead free as defined by the federal Safe Drinking
 1-37 Water Act (42 U.S.C. Section 300g-6), that connect a drinking water
 1-38 main to a drinking water outlet.
 1-39 (6) "Public school" includes an open-enrollment
 1-40 charter school as defined by Section 5.001, Education Code.
 1-41 (7) "Public water system" has the meaning assigned by
 1-42 Section 15.602, Water Code.
 1-43 SECTION 2. Subchapter C, Chapter 341, Health and Safety
 1-44 Code, is amended by adding Sections 341.051, 341.052, 341.053,
 1-45 341.054, and 341.055 to read as follows:
 1-46 Sec. 341.051. PUBLIC SCHOOL DRINKING WATER: LEAD SERVICE
 1-47 LINE INFORMATION. A public water system shall provide each public
 1-48 school that the public water system serves any information in its
 1-49 possession relating to the location of lead service lines. Each
 1-50 public school shall determine which of the school's buildings
 1-51 receive drinking water through lead service lines and report the
 1-52 information to the commission.
 1-53 Sec. 341.052. PUBLIC SCHOOL DRINKING WATER: TESTING. A
 1-54 public school may undertake periodic testing of the drinking water
 1-55 outlets in each school building for the presence of lead. Each test
 1-56 for lead, if conducted, must be conducted:
 1-57 (1) by a laboratory certified for that purpose by the
 1-58 executive director; and
 1-59 (2) in accordance with:
 1-60 (A) the sampling and testing methods specified by

2-1 the Environmental Protection Agency; and
2-2 (B) any applicable technical guidance issued by
2-3 the commission under Section 341.054.
2-4 Sec. 341.053. PUBLIC SCHOOL DRINKING WATER: TRANSPARENCY
2-5 AND PUBLIC RIGHT TO KNOW. (a) A public school that performs
2-6 testing under Section 341.052 shall:
2-7 (1) submit to the commission and the Texas Education
2-8 Agency a report that includes information on the testing,
2-9 including:
2-10 (A) the date the testing was completed;
2-11 (B) the location and type of each drinking water
2-12 outlet tested;
2-13 (C) the complete results of each test;
2-14 (D) any measures being taken to remediate a
2-15 drinking water outlet found to have an elevated lead level; and
2-16 (E) confirmation that the sampling and testing
2-17 were conducted in accordance with federal and state standards;
2-18 (2) maintain copies of information submitted under
2-19 Subdivision (1) in a suitable location for inspection by the public
2-20 and on the Internet website of the school;
2-21 (3) notify parent, teacher, and employee
2-22 organizations of the availability of the submitted information; and
2-23 (4) designate a person to serve as the contact person
2-24 for communications with the commission and the public regarding the
2-25 lead testing and any remediation activities.
2-26 (b) The commission shall adopt rules regarding the format
2-27 for the submission of information under Subsection (a).
2-28 Sec. 341.054. PUBLIC SCHOOL DRINKING WATER: TECHNICAL
2-29 GUIDANCE. The commission shall post technical guidance for lead
2-30 testing on the commission's Internet website, including:
2-31 (1) information relating to:
2-32 (A) the implementation of the federal Lead
2-33 Contamination Control Act of 1988 in this state;
2-34 (B) the implementation of the Environmental
2-35 Protection Agency's technical guidance for reducing lead in
2-36 drinking water in schools; and
2-37 (C) testing and sampling protocols;
2-38 (2) a list of laboratories certified to conduct lead
2-39 testing; and
2-40 (3) resources for best practices for remediation.
2-41 Sec. 341.055. PUBLIC SCHOOL DRINKING WATER: COMMISSION
2-42 BIENNIAL REPORT. Not later than December 1 of each even-numbered
2-43 year, the executive director shall submit to the governor, the
2-44 lieutenant governor, the speaker of the house of representatives,
2-45 and each member of the legislature a report that includes a summary
2-46 of the information submitted under Section 341.053(a) in the
2-47 preceding two-year period.
2-48 SECTION 3. (a) Not later than October 1, 2017, each public
2-49 water system shall provide public schools that it serves with
2-50 information relating to the location of lead service lines, as
2-51 required by Section 341.051, Health and Safety Code, as added by
2-52 this Act.
2-53 (b) Not later than November 1, 2017, each public school
2-54 shall inform the Texas Commission on Environmental Quality which
2-55 buildings are served by lead service lines as required by Section
2-56 341.051, Health and Safety Code, as added by this Act.
2-57 (c) Not later than October 15, 2017, the Texas Commission on
2-58 Environmental Quality shall post the technical guidance required by
2-59 Section 341.054, Health and Safety Code, as added by this Act, on
2-60 the commission's Internet website.
2-61 SECTION 4. The Texas Commission on Environmental Quality is
2-62 required to implement Sections 341.053, 341.054, and 341.055,
2-63 Health and Safety Code, as added by this Act, only if the
2-64 legislature appropriates money specifically for those purposes. If
2-65 the legislature does not appropriate money specifically for those
2-66 purposes, the commission may, but is not required to, implement
2-67 those sections using other appropriations available to the
2-68 commission for those purposes.
2-69 SECTION 5. This Act takes effect immediately if it receives

3-1 a vote of two-thirds of all the members elected to each house, as
3-2 provided by Section 39, Article III, Texas Constitution. If this
3-3 Act does not receive the vote necessary for immediate effect, this
3-4 Act takes effect September 1, 2017.

3-5

* * * * *